

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WENDY BAKER,

No. 2:23-cv-02857-DAD-SCR

Plaintiff,

v.

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION, RIVER DELTA
VALLEY CHAPTER 821, et al.,

ORDER DISMISSING ACTION

(Doc. No. 31)

Defendants.

On February 19, 2025, the court issued an order granting defendants' motions to dismiss plaintiff's first amended complaint (Doc. Nos. 10, 11). (Doc. No. 30.) In that order, the court dismissed all of plaintiff's claims on the grounds that plaintiff's procedural due process claim seeking nominal damages was barred by the Eleventh Amendment; plaintiff's procedural due process claim seeking declaratory and injunctive relief failed to allege a policy of defendants because the defendants were compelled to act in accordance with state law; and plaintiff's free speech claim failed to allege state action. (*Id.* at 17–19.)

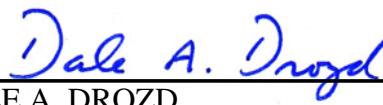
Plaintiff was granted leave to amend. (*Id.* at 19.) Specifically, plaintiff was directed to file either a second amended complaint or a notice of her intent not to do so within twenty-one (21) days from the date of entry of the court's order. (*Id.* at 22.) On March 17, 2025, plaintiff filed a notice of her intent not to file a second amended complaint. (Doc. No. 31.)

1 Accordingly, the court reiterates that plaintiff's claims asserted in her first amended
2 complaint have been dismissed pursuant to Federal Rule of Civil Procedure 12 for the reasons
3 stated in its February 19, 2025 order. (See Doc. No. 30.)

4 The Clerk of the Court is directed to close this case.

5 IT IS SO ORDERED.

6 Dated: March 27, 2025


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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